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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/092,791 06/05/98 EICHSTAEDT

M AM9-98-023

EXAMINER

LM01/0315

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KANG, P

ART UNIT

PAPER NUMBER

2756

DATE MAILED:

03/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/092,791

Applicant(s)

EICHSTAEDT ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to because of the objections cited in the Substitute PTO-948. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required in reply to this Office action.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judson, US Pat. No. 5,572,643 (hereafter referred to as Judson) in view of "Proactive Universal Resource Locators Lookup in Internet Web Browsers", IBM Technical Disclosure Bulletin, vol. 40, no. 9, September 1997, pp. 113-114; TDB0997.0041 (hereafter referred to as TDB).
4. As to claims 1, 14 and 15, Judson discloses the invention substantially as claimed. Judson discloses *a method of alleviating problems associated with delays in accessing data on network, comprising the steps of* (Judson, col. 1, line 13 – col. 2, line 53):

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a) accessing data on a network from a client computer (a client connected to a server through a network accesses web pages using web browsers; Judson, col. 1, line 13 – col. 2, line 53);

c) presenting filler contents on the client computer..., wherein the filler contents are customized to a user's taste (latency filler contents, customized on user interest, are displayed during web page access; Judson, col. 5, line 50 – col. 6, line 24 and col. 7, lines 2-17).

However, Judson does not specifically disclose step *b) identifying when a delay occurs....* TDB teaches a system which identifies possible problems associated with accessing web pages in order to alleviate problems associated with delays in web page access (TDB, pages 1-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the method of identifying access delays as taught by TDB into the system of Judson in order to increase the efficiency of the system by selectively displaying filler contents to only those links with high latency times.

The apparatus of claims 14 and 15 are similar to the apparatus of claim 1 and have similar limitations except in method steps; therefore, claims 14 and 15 are rejected under the same rationale.

5. As per claims 2 and 5, 6, 7, 9 10, Judson-TDB discloses filler contents which can be preselected from user interests obtained by web access history or from the accessed web page (Judson, col. 6, line 62 – col. 7, line 17).

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6. As per claims 3 and 4, Judson-TDB discloses filler contents selected from a group comprising text, graphics, audio, and audiovisual data. The filler data can be of any type of web content, static or dynamic (Judson, col. 6, line 25 – col. 7, line 17).

7. As per claims 8, 18, 19, Judson-TDB discloses retrieving and storing the filler object on the client (Judson, col. 5, lines 16 – col. 6, line 11).

8. As per claim 11, Judson-TDB discloses that the client computer identifies latency (TDB, page 1).

9. As per claims 12, 13, 24, and 25, Judson-TDB discloses displaying the filler while the original web page is downloaded and deactivates the filler when downloading is complete (Judson, col. 5, line 50 – col. 6, line 12).

10. As per claim 16, Judson-TDB discloses a browser for retrieving the embedded filler content from a server (Judson, col. 6, line 62 – col. 7, line 17).

11. As per claim 17, Judson-TDB discloses the browser (enabled to be filler engine/filler content receiver) request and reception of the filler from a server (Judson, col. 5, line 50 – col. 6,

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line 11).

12. As per claim 20, Judson-TDB discloses the use of cached filler content (Judson, col. 5, lines 16-40).

13. As per claim 21, Judson-TDB discloses the use of filler content during latency experienced when downloading web pages (Judson, col. 5, line 50 – col. 6, line 11).

14. As per claim 22, Judson-TDB discloses the filler engine being an extension to the browser (Judson, col. 6, line 62 – col. 7, line 17).

15. As per claim 23, Judson-TDB discloses the filler engine as a component separate from the browser, embedded in the downloaded web page (Judson, col. 5, line 50 – col. 6, line 24).

16. As per claim 26, Judson-TDB discloses the filler engine responding to information sent from the server to display filler objects (Judson, col. 5, line 50 – col. 6, line 24).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Mogul


5,802,292.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Asta can be reached on (703) 305-3817. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
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FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700

March 6, 2000